

# **Town Board Minutes**

**Meeting  
No. 20**

***Special Meeting***

**June 27, 1997**

MEETINGS TO DATE 20  
NO. OF REGULARS 12  
NO. OF SPECIALS 8

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LANCASTER, NEW YORK  
JUNE 27, 1997

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 27th day of June 1997 at 4:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** JOHN MILLER, COUNCIL MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY

**PURPOSE OF MEETING:**

A special meeting was held to set a public hearing for July 15, 1997, at 4:30 P.M., regarding the proposed plan of financing for the construction of an addition to, and the partial reconstruction of, the fire house used by the Twin District Volunteer Fire Co.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK , TO WIT:

**WHEREAS**, the Town Board of Town of Lancaster at its meeting of June 16, 1997, adopted a resolution calling a Public Hearing to take public comment on the proposed plan for tax exempt financing by Twin District Volunteer Fire Company, Inc., 4999 William Street, Lancaster, New York, for the construction of an addition to and reconstruction of the fire house, there being a requirement under the Internal Revenue Code that the local municipality must approve the use of tax-exempt obligations by the said fire company, and

**WHEREAS**, the required publication of the Notice of Public Hearing was not published in a timely fashion;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby rescinds the beforementioned resolution of the Town Board of the Town of Lancaster dated June 16, 1997 scheduling the public hearing for July 7, 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 27, 1997

File: rrsdtdfc

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR TO WIT:

RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,  
ADOPTED JUNE 27 , 1997, CALLING A PUBLIC HEARING TO  
APPROVE THE ISSUANCE OF A TAX-EXEMPT OBLIGATION BY  
THE TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC.,  
AND DETERMINING OTHER MATTERS IN CONNECTION  
THEREWITH.

Recitals

WHEREAS, the Twin District Volunteer Fire Company,  
Inc., a New York not-for-profit corporation (the "Fire Company"),  
proposes to construct an addition to, and partially reconstruct,  
the fire house used by the Fire Company in connection with  
fighting fires in the Town of Lancaster, New York, (the "Town");  
and

WHEREAS, pursuant to the written fire protection  
agreement entered in to between the Fire Company and the Town  
Board of the Town acting on behalf of the Fire Protection  
District (the "District"), in the Town, the Fire Company is  
obligated to provide firefighting or emergency medical services  
for persons within the District and such other portions of the  
Town as may be mutually agreed to as specified in such agreement  
as the same may be renewed or extended from time to time and no  
other firefighting services are provided to said District, and  
therefore, the Fire Company is a "qualified volunteer fire  
department" for purposes of Section 150(e) of the Internal  
Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, said Fire Company proposes to finance the Project by the issuance of a tax-exempt obligation in the amount of \$500,000 to Manufacturers and Traders Trust Company pursuant to the provisions of Section 150(e) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, approval of the issuance of such obligation is required to be given by the applicable elected representative of the governmental unit on behalf of which such obligation is issued and the governmental unit within which the Project is to be located, after a public hearing following reasonable public notice; and

WHEREAS, pursuant to Section 147(f)(4)(B) of the Code, the Town is treated as the governmental unit on behalf of which such obligation is issued and is also the governmental unit within which the Project is to be located;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Board of the Town shall hold a public hearing at 4:30 o'clock P.M. (Prevailing Time) on July 15, 1997, at the Town Hall, 21 Central Avenue, Lancaster, New York, to discuss the proposed plan of financing for the construction of an addition to, and the partial reconstruction of, the fire house used by the Fire Company in connection with fighting fires in the Town of Lancaster, New York, as hereinabove described in the Recitals of this Resolution.

Section 2. The Town Clerk is hereby authorized and directed to give notice of such public hearing by publishing, at least fourteen (14) days prior to the date of such public hearing, in the " BUFFALO NEWS ", a newspaper having a general circulation in the Town, a Notice in substantially the form as hereinafter described:

NOTICE OF PUBLIC HEARING  
THE TOWN OF LANCASTER,  
IN THE COUNTY OF ERIE,  
NEW YORK

The Town of Lancaster (the "Town"), in the County of Erie, New York, will hold a public hearing at 4:30 o'clock P.M. (Prevailing Time) on July 15, 1997 at the Town Hall, 21 Central Avenue, Lancaster, New York, to discuss the proposed plan of financing for the construction of an addition to, and the partial reconstruction of, the fire house used by the Fire Company to house its firefighting vehicles in the Town of Lancaster, New York, (the "Project") as more particularly described below, by the Twin District Volunteer Fire Company, Inc., a New York not-for-profit corporation (the "Fire Company"). As part of the proposed plan of financing for the project, the Fire Company proposes to issue a tax-exempt obligation to Manufacturers and Traders Trust Company pursuant to the Internal Revenue Code of 1986, as amended (the "Code") and to use the proceeds of the obligation to provide funds for the construction of the Project. The obligation will be a general obligation of the Fire Company payable from the Fire Company's general revenues.

The Project will be owned by the Fire Company, a "qualified volunteer fire company" within the meaning of Section 150 (e) of the Code. The Project is located on property owned by the Fire Company situate at 4999 William Street, in the Town of Lancaster, Erie County, New York. The amount of the obligation to be issued pursuant to the plan of financing is not to exceed

\$500,000. The Project consists of the construction of an addition to, and partial reconstruction of, the fire house used by the Fire Company in connection with fighting fires in the Town of Lancaster, New York.

At the hearing, members of the public may appear in person or by attorney to give information or to make statements concerning the Project.

Handicapped persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

This notice is published in accordance with the public notice requirements of the Tax Equity and Fiscal Responsibility Act of 1982.

DATED: June 27, 1997

TOWN OF LANCASTER, NEW YORK  
Robert H. Giza  
Supervisor



Section 3. The Supervisor is hereby authorized to approve the plan of financing for such Project after said public hearing is duly called and held by delivering to the Fire Company an executed copy of an Approval Certificate in substantially the form as hereinafter said forth:

**APPROVAL OF THE SUPERVISOR OF THE  
TOWN OF LANCASTER, NEW YORK,  
FOR THE ISSUANCE OF A TAX-EXEMPT OBLIGATION  
BY THE TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC.**

WHEREAS, the Twin District Volunteer Fire Company, Inc., (the "Fire Company"), intends to issue the obligation described in the schedule herein set forth below (the "Schedule") to provide for the construction of the project (the "Project") identified and described in the Schedule; and

WHEREAS, pursuant to Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"), approval of the issuance of such obligation is required to be given by the applicable elected representative of the governmental unit on behalf of which such obligation is issued and the governmental unit within which the Project is located, after a public hearing following reasonable public notice; and

WHEREAS, pursuant to Section 147(f)(4)(B) of the Code, the Town of Lancaster, (the "Town") in the County of Erie, New York, is treated as the governmental unit on behalf of which such obligation is issued and is also the governmental unit within which the Project is located; and

WHEREAS, the undersigned is the applicable elected official of the Town, within the meaning of Section 147(f) of the Code, authorized to approve the issuance of such obligation for the Project in the amount not to exceed the amount set forth in the Schedule;

NOW, THEREFORE, a public hearing on the proposed financing having been duly conducted, a report of such hearing having been duly made, appropriate findings and any appropriate certification or determination of project need having been provided, the issuance of the obligation to finance the Project described in the Schedule is hereby approved.

**SCHEDULE**

AMOUNT OF  
OBLIGATIONS: Not to exceed \$500,000

PROJECT AND  
DESCRIPTION: construction of an addition to, and partial reconstruction of, the fire house used by the Fire Company in connection with fighting fires in the Town of Lancaster, New York

Pursuant to applicable New York State law, the Fire Company will issue a tax-exempt obligation to Manufacturers and Traders Trust Company and use the proceeds to finance the reconstruction of the Fire Station used by the Fire Company in connection with fighting fires in the Town of Lancaster, New York, as hereinabove described (the "Project"). The obligation will be a general obligation of the Fire Company payable from the Fire Company's general revenues. The Project will be owned by the Fire Company and it will be located at the Twin District Volunteer Fire Company Firehouse, in the Town of Lancaster, New York.

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Robert H. Giza  
Supervisor, Town of Lancaster

Dated: \_\_\_\_\_, 1997

**Section 4. This resolution shall take effect immediately.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<b>COUNCIL MEMBER KWAK</b>	<b>VOTED</b> YES
<b>COUNCIL MEMBER MILLER</b>	<b>WAS ABSENT</b>
<b>COUNCIL MEMBER MONTOUR</b>	<b>VOTED</b> YES
<b>COUNCIL MEMBER STEMPNIAK</b>	<b>VOTED</b> YES
<b>SUPERVISOR GIZA</b>	<b>VOTED</b> YES

June 27, 1997

**ADJOURNMENT:**

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ON MOTION OF COUNCIL MEMBER KWAK AND SECONDED BY THE  
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 4:30 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk